

# **WSDOT Disadvantaged Business Enterprise (DBE) Contracting Process**

**Paula J. Hammond, P.E.**  
Secretary

**David L. Dye, P.E.**  
Deputy Secretary

**Steve Reinmuth**  
Chief of Staff

**Craig McDaniel**  
State Construction Engineer, Administration

**Joint Transportation Committee**  
**December 8, 2010**



**Washington State**  
**Department of Transportation**

Market conditions and changes in WSDOT's administrative practices resulted in increased bid challenges and bid rejections.

- Clarified DBE Requirements
  - Bold Proposal Notice
  - New & Improved Forms
  - Creation of a Resource List
  - More time to provide documents
- What is Our Plan to Move Ahead?

Getting the bidder's attention.

# Bold Notice In the Proposal Form

**IS YOUR DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
DOCUMENTATION INCLUDED AS NOTED BELOW???**

**(AS REQUIRED BY THE SPECIFICATIONS)**

**IF NOT**

**YOUR BID MAY BE CONSIDERED NONRESPONSIVE AND  
WILL BE REJECTED**

---

**YOU MUST INCLUDE;**

- 1. THE DISADVANTAGED BUSINESS ENTERPRISE UTILIZATION CERTIFICATION FORM #272-056 EF WHICH DEMONSTRATES HOW YOU INTEND TO MEET THE DBE CONDITION OF AWARD GOAL. IN THE EVENT YOU CANNOT MEET THE GOAL SEE NUMBER THREE BELOW.**
- 2. YOU MUST SUBMIT A DISADVANTAGED BUSINESS ENTERPRISE (DBE) WRITTEN CONFIRMATION DOCUMENT FORM #422-031 EF FROM EACH AND EVERY DBE LISTED IN THE UTILIZATION CERTIFICATION**  
**NOTE: THIS IS THE ONLY DOCUMENT SUBJECT TO THE "Deadline for Receipt of DBE Written Confirmation Document(s)."**
- 3. AND ONLY IN THE EVENT YOU ARE NOT ABLE TO INDICATE IN YOUR DBE UTILIZATION CERTIFICATION THAT YOU MET THE GOAL; YOU MUST SUBMIT YOUR GOOD FAITH EFFORT DOCUMENTATION (AS DESCRIBED IN THE DBE SPECIFICATION)**

What documents and information do contractors need to submit?

# New/Revised Forms

- Standardized, Written Confirmation Document
- Improved instructions for the DBE Utilization Certification form

# New DBE Written Confirmation Document



Washington State  
Department of Transportation

## Disadvantaged Business Enterprise (DBE) Written Confirmation Document

As an authorized representative of the Disadvantaged Business Enterprise (DBE), I confirm that we have been contacted by the referenced bidder with regard to the referenced project and if the bidder is awarded the contract we will enter into an agreement with the bidder to participate in the project consistent with the information provided in the bidder's Disadvantaged Business Enterprise Utilization Certification.

Contract Title: \_\_\_\_\_

Bidder's Business Name: \_\_\_\_\_

DBE's Business Name: \_\_\_\_\_

\_\_\_\_\_

DBE Signature: \_\_\_\_\_

DBE's Title: \_\_\_\_\_

Date: \_\_\_\_\_

# Improved Instructions for the DBE Utilization Form

## Instructions for Disadvantaged Business Enterprise Utilization Certification (DOT Form 272-056)

To be eligible for award of the contract, the bidder shall properly complete and submit a DBE Utilization Certification with the bidder's sealed Bid Proposal that demonstrates how the bidder intends to meet the DBE COA goal.

Box 1: Name of Bidder (Proposal holder) submitting a bid.

Column 1: Name of the Disadvantage Business Enterprise (DBE) and Certificate Number.

Column 2: The Project Role that the DBE will be performing as follows;

- Prime,
- Joint Venture,
- Subcontractor,
- Manufacturer,
- Regular Dealer\*,

The role is used to determine what portion of the DBE participation may be counted toward the goal. See Counting DBE Participation toward Meeting the Goal as described in the Disadvantaged Business Enterprise (DBE) Condition of Award Participation specification in the contract plans.

Column 3: A description of the work to be performed by the DBE consistent with the eligible COA work description in the WSDOT Resource List. If the DBE is to perform a portion of a bid item, then state Partial and what work is included, e.g., Electrical (Partial) – Trenching.

Column 4: The dollar amount for each DBE listed in the certification that the prime intends to apply towards meeting the DBE contract goal. It may be that only a portion of the amount paid to the DBE is eligible as COA participation. See Counting DBE Participation toward Meeting the Goal.

Box 2: The goal stated in the contract in terms of a dollar amount or a percentage as noted previously in this specification. When expressed as a percentage it is a percentage of the sum total of all bid items as submitted in the bidder's proposal.

Box 3: the total for column 4. This value must equal or exceed the goal amount.

\* Note: In accordance with 49 CFR 26.55(e)(2)(i), if the materials or supplies are purchased from a DBE Regular Dealer, the amount to be counted towards the DBE will be sixty percent (60%) of the cost of the materials or supplies, e.g., Material cost: \$100,000, allowable amount toward DBE goal; \$60,000.

How do contractors know what work a DBE is certified to perform?

# WSDOT Created the Resource List

- The list is guaranteed as accurate within seven days of bid opening.
- Any DBE may get on the list for work they are NAICS certified to perform.
- WSDOT Office of Equal Opportunity manages the list.

How do contractors get a written confirmation from the DBEs prior to submitting the bid?

# Three Hour Bid Delay

- Bids remain sealed
- The written confirmation document is the only document subject to the delay

When is this going to happen?

# Contractor Resources

- **OMWBE:** 406 Water Street SW Olympia, WA 98501 (866) 208-1064 Toll Free  
[http://www.omwbe.wa.gov/certification/certification\\_directory.shtml](http://www.omwbe.wa.gov/certification/certification_directory.shtml)
- **WSDOT OEO:** Office of Equal Opportunity PO Box 47314 310 Maple Park Olympia WA 98504-7314 Ph: 360-705-7090  
<http://www.wsdot.wa.gov/equalopportunity/>
- **WSDOT Contract Ad and Award:** PO Box 47354 310 Maple Park Olympia WA 98504-7354 Room Sa19 Ph: 360-705-7017  
<http://www.wsdot.wa.gov/biz/contaa/>
- **WSDOT HQ Construction:** PO Box 47360 310 Maple Park Olympia WA 98504-7360 Ph: 360-705-7822  
[DubigkR@wsdot.wa.gov](mailto:DubigkR@wsdot.wa.gov)

# Questions?

For more information on DBE contracting specifications, please contact:

Craig McDaniel

(360) 705 7823

[mcdanic@wsdot.wa.gov](mailto:mcdanic@wsdot.wa.gov)

or

<http://www.wsdot.wa.gov/biz/contaa/>

